

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**AMANCIO ABURTO-GAMINO,
ID # 99059-179,**

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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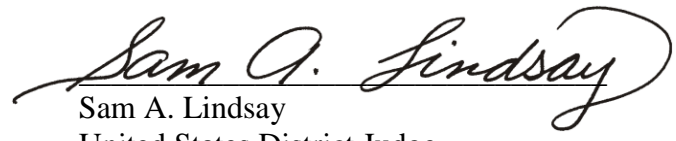
Civil Action No. **3:18-CV-1248-L**

ORDER

On May 16, 2018, United States Magistrate Judge Irma Carrillo Ramirez entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending the court dismiss Movant’s Petition for Writ of Error Coram Nobis for lack of jurisdiction (Doc. 3). No objections were filed to the Report.

The magistrate judge determined that the petition challenging a federal sentence should not be construed as a 28 U.S.C. § 2255 motion because a § 2255 motion would be successive and that this court lacks jurisdiction to consider a successive § 2255 motion without the Fifth Circuit’s authorization. Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **lacks** jurisdiction to hear Movant’s Petition for Writ of Error Coram Nobis (Doc. 3), and rather than dismiss the action **directs** the clerk of court to transfer it to the United States Court of Appeal for the Fifth Circuit.

It is so ordered this 20th day of July, 2018.


Sam A. Lindsay
United States District Judge